

Minutes of the Regular Meeting of the Hogback Management Plan Update Committee
7:30 p.m. Wednesday, Feb 14, 2024
Town Office, Marlboro, Vermont and via Zoom

<https://us02web.zoom.us/j/82119973527>

Meeting ID: 821 1997 3527

To join by phone: 1-646-558-8656
no password required

Minutes

The meeting was called to order at 7:39 pm.

Attendees:

- in person: Diana Todd
- via Zoom:
 - HMPUC: Mike Purcell, Amanda Whiting
 - HMCA: Nancy Anderson, Laurel Copeland
 - HPC: Ed Metcalfe

Abbreviations used below:

CA = Conservation Area
FMP = Forest Management Plan
FUA = Facility Use Agreement
HMCA = Hogback Mountain Conservation Association
HPC = Hogback Preservation Commission
MP = Management Plan
SB = Select Board
SVNHM = Southern Vermont Natural History Museum

1. Preliminaries
 - a. choose a secretary to take minutes (Diana Todd)
 - b. choose a Zoom host (Amanda Whiting)
 - c. start Zoom recording
2. Minutes of the previous meeting (Jan 24, 2024) were approved as submitted.
3. New topics to add to the master list of issues to consider during the update.
 - a. Consider building the allowed 1-acre parking lot where the First Aid building is, reduces crossing Rte 9, but would require new hiking trails.
 - b. Should we try to build an accessible trail (suitable for wheelchairs)?
 - c. Should Benedict Cottage be demolished? Preserved?
 - d. Should active measures be taken to preserve the ski lift towers?
4. State statute 4707, requiring trappers to contact the landowner prior to trapping and allowing the landowner to deny permission, was reviewed. We concluded there is no need to formally post the land in order to implement a ban on trapping. All that is required is to deny permission when contacted by a trapper.
5. HPC Commissioners and HMCA Directors were invited to attend specifically to comment on draft sections pertaining to responsibilities of the two organizations. Comments on other

sections were also welcomed. (Comments are shown below in regular typeface. *Resolution or response shown in italics.*)

- a. History: Was HMCA created in 2006 or 2007? *Will do research and correct if needed.*
- b. Vermiculite in First Aid Building should be tested to see if it contains asbestos. *It has been tested and asbestos is present in both the vermiculite and in flooring.*
- c. Add “unsafe” to the description of the First Aid building.
- d. The organization which runs the T-bar at Living Memorial Park in Brattleboro has expressed interest in the T-bar retractors from Hogback. *Mike Purcell will follow up.*
- e. Structures:
 - i. Pump house – Yes, there is a deeded right-of-way (ROW) allowing the owners of the adjacent commercial properties to access the three drilled wells on conservation area land.
 - ii. Spring on south side of Route 9 – This is on conservation area land, but has no well house covering it. There is a deeded easement allowing the adjacent commercial property to access this spring.
 - iii. Should MP mention buildings on adjacent land, such as the cottage on Old Hogback Road near the communication tower? *No, the MP should only address CA property.*
- f. Management Structure:
 - i. The draft says that SB review is needed for issues where HPC and HMCA disagree. How do you determine that a disagreement exists?
 - ii. Draft says HPC “advises” the SB. Expand to say “advises and makes recommendations.”
 - iii. HPC responsibility for buildings: draft says HPC is to seek HMCA input when changes such as “demolition or renovation” are being considered. Add “or use.”
 - iv. Section 2.d – HPC should assess not only whether issues adhere to the conservation easement and MP, but also whether they “constitute a risk or liability to the town.”
 - v. No need to include a separate section on Liability.
 - vi. Should the MP address the issue of what should happen if either HPC or HMCA does not do their job? *Agreed that the SB could/should take action in the case of the HPC. VLT might be helpful in dealing with HMCA. Will look over the text and possibly include more about VLT’s role. Agreed there is no need to have a section that specifically addresses what to do if HPC or HMCA neglect their duties.*
- g. Motor Vehicles:
 - i. E-bikes should not be banned. They provide access to people who might otherwise be unable to use bikes. Differentiating between e-bikes (allowable) and electric dirt bikes (prohibited) should be possible. *The conservation easement prohibits motorized vehicles. E-bikes are motorized. Enforcing a nuanced differentiation between allowed e-bikes and prohibited electric dirt bikes would be difficult. Will ask VLT for their input.*
 - ii. Motorized wheelchairs should be allowed.
- h. Horseback riders specifically requested that riding be permitted when the CA was founded.
- i. Kiosks should have significant warning signs for hikers during hunting season.

- j. Drones are used on the commercial property with no problems. Why aren't they allowed in the CA? *Potential interference with bird migration. Potential injuries if an operator loses control. National parks prohibit them. Some parks allow them.*
- k. Why are game cameras prohibited? *Privacy concerns, given that modern game cameras can be monitored in real time from the comfort of your living room.*
- l. Should active measures be taken to preserve the ski lift towers?
- m. Personal impressions that bird life did increase in the area following cutting of the ski slopes for the ESH project, contrary to the findings of the Biodiversity Inventory.
- n. Comment that the idea of building a new home for the SVNHM in the big parking lot is not currently feasible because there is no spot suitable for a septic system. Informal inquiry to VLT by SVNHM personnel indicated that installing a septic system on CA land would not be allowed under the conservation easement.
- o. Consider building the one-acre parking lot permitted by the conservation easement at the site of the First Aid building after it is demolished. This could provide access to the south-side trails without having to walk across Route 9.
- p. Create wheelchair-accessible trails. Access could be from the proposed parking lot at the First Aid building site. Federal funds are available for this type of trail. *This kind of trail can't be built by volunteers. Materials, equipment, and professional expertise is needed. We could list it as an aspirational goal.*
- q. Special Use Permits - FUA
 - i. Reviewed how the proposed protocol for review of FUA requests would allow review by both HMCA and HPC within a few weeks, and wouldn't require waiting for a regularly scheduled meeting of either body. HMCA can share opinions via email and does not require formal votes to make a recommendation. HPC, under Open Meeting protocols, would only need to meet if a Commissioner wanted to discuss or object to the HMCA recommendation, and the meeting could be a Special Meeting, which only requires 24-hour public notice.
 - ii. Under Scheduling, the term "well in advance" should be defined. *After discussion, it seemed that the "well in advance" language could simply be dropped.*
- r. Hunting
 - i. It would be useful to know if people are hunting in case anyone complains about hearing gunshots. *The example from this past year of a hunter asking for formal permission showed that requiring hunters to ask permission wouldn't work, because the SB meets only once every two weeks, thus can't give a timely response. At a prior meeting we had agreed that the MP should direct the Town Clerk to tell anyone who inquires about permission to hunt that hunting is allowed, but to indicate areas which hunters should avoid (areas with dense trail networks). Details still to be worked out. Not yet in the draft MP reviewed at this meeting.*
- s. The draft uses language saying HMCA is a "private" non-profit, but that term is not correct. HMCA is a public charity. *Does the term "non-governmental organization" better capture what we are trying to express? Will work to come up with better language.*
- t. Scenic Resource Management: What does the phrase "utilizing treetops to the lowest possible diameter" mean in the context of forest management? *Explanation: After cutting a tree and removing the logs large enough to be sawn into lumber, what*

happens to the rest of the tree, i.e. the top? The previous MP wanted as much of the top to be removed from the site as possible, for example, by selling medium sized pieces for firewood and having smaller pieces, even down to twig size, hauled away for use as fuel in the biomass combustion generation of electricity. The reason for removing the top was for aesthetic purposes. However, leaving the treetops and even big chunks of trunk on the ground has numerous benefits for the forest: building soil, providing habitat for small creatures, impeding browsing by deer of the new young growth. Agreed to rewrite this section to try to make this concept more clear.

- u. *Should a portion of the forest be set aside as a sanctuary, where there will be no human activities other than walking on a trail? Discussion showed that the “sanctuary” concept could either mean anything from multiple hundreds of acres to just 2-3 acres. The idea of setting aside a large portion of the CA as “no-harvest” had been discussed early in the update process, but was rejected when the concept was embraced of not having any harvests whose sole purpose was generation of income. The fact that the “do-nothing” option of forest management would mean that the forest would continue to evolve along the trajectory that was set by the last harvest was discussed. The last harvest was aggressive and extractive and the current trajectory is expected to lead to an increasingly degraded condition. After a Forest Inventory by Van Loon and Schneski later this year, a Forest Management Plan (FMP) will be proposed. See minutes of previous meetings for further discussion of these concepts.*
 - v. *Does the draft plan discuss management of the former ski area slopes, trails, lift lines and access roads for recreational use? Yes, see section 1.c.ii under Trail Management.*
 - w. *Should the use of a Brontosaurus-type machine be considered for opening wildlife patch cuts in the former ski area? Creating that type of opening should be included as part of the FMP, and not be considered part of Trail Management.*
6. Plans for future meetings:
- a. Feb 28 – review draft sections on Forest Management
 - b. March 13 – plan outreach efforts to collect public comment
7. The meeting was adjourned at 9:04 pm.

Attachments

- text of relevant VT statute on trapping
- draft Management Plan sections that were distributed for review

10. V.S.A. § 4707. Traps; notice

A person who intends to set a trap for any animal on the property of another shall, prior to setting the trap, notify the owner of the property of his or her intention to set the trap and of the prospective location of the trap. The owner of the property may, at any time, refuse to grant permission to set a trap or revoke the permission if previously granted. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1973, No. 178 (Adj. Sess.), § 3.)

Management Structure

1. Select Board
 - a. The ultimate arbiter for all decisions is the Marlboro Select Board (SB).
2. Hogback Preservation Commission (HPC)
 - a. The HPC advises the Select Board on matters of policy regarding the Conservation Area.
 - b. HPC members are appointed by the Select Board. A majority must be Marlboro residents.
 - c. For a full description of the HPC, see the HPC “Rules of Procedure” appended to this document.
 - d. Items and issues that come before the HPC are evaluated and reviewed to determine if they adhere to the conservation easement and the Management Plan.
 - i. For items that are within the normal scope of operations on the Conservation Area that are deemed to comply as specified above, the HPC can authorize the proposal or activity without additional review and approval by the Select Board.
 - ii. Select Board review is required for:
 1. the annual proposed budget
 - a. Once the budget is approved, the SB does not need to authorize each expenditure as it arises.
 2. Facility Use Agreements – see Section XXX for more detail
 3. any topic the HPC feels is beyond normal operations
 4. any topic on which the HPC and the HMCA disagree
 - e. The HPC reviews contracts with the town that involve the Conservation Area and advises the Select Board. Ongoing, renewable contracts include:
 - i. Annual renewal of the trail use agreement with VAST’s local chapter, Deerfield Valley Stump Jumpers.
 - ii. Periodic lease renewal with National Grid, permitting vehicle access on the Tower Trail to service the communication tower on Mount Olga. (See section XX (trail maintenance) for more details.)
 - iii. Future contracts could potentially include forest management activities, control of invasive species, building preservation or demolition, and others.
 - iv. HPC should seek comment by HMCA on any significant changes to existing contracts and any new contracts.
 - f. The HPC is responsible for maintaining the buildings and other structures in the Conservation Area. They should seek input from the HMCA when significant changes (such as demolition or renovation) are being considered. (See Section XX, Cultural History management, for more information about specific structures.)
 - g. The HPC is responsible for periodically updating the Management Plan. Input and comment should be solicited from HMCA, the town, and the general public.
 - h. The HPC monitors the activities of the HMCA to ensure that their activities comply with the purposes of the conservation easement, and that they are maintaining the trails, signs, maps and the website in good order.
3. Hogback Mountain Conservation Association (HMCA)

- a. HMCA is a non-governmental private volunteer organization registered as a non-profit in the state of Vermont.
 - b. HMCA oversees the day to day management of the Conservation Area, including:
 - i. organizing and promoting public events, both educational and recreational
 - ii. maintaining the trails, signs, trail markers, and the trail map
 - iii. operating the Conservation Area website: hogbackvt.org
 - c. HMCA advises the HPC on:
 - i. Facility Use Agreement applications (See section XXX for more detail)
 - ii. creation of new trails (See section XXX for more detail)
 - iii. proposed revisions to and updates of the Management Plan
 - iv. any topic requested by the HPC
 - d. HMCA funding – *to be completed*
 - i. *The HMCA manages an endowment fund that was created . . .*
 - ii. *memorandum of understanding*
 - iii. *what funds can and can't be used for*
4. The Marlboro Town Office
- a. The Town Clerk's office fields inquiries from the public.
 - i. Most inquiries can be directed to the HMCA-maintained website, hogbackvt.org.
 - ii. Facility Use Agreements – Inquiries about use by large groups, researchers, commercial enterprises, and any other organization that may require a Facility Use Agreement should be directed to the HMCA . See Section XXX for more detail.

Special Use Permits

The conservation easement states that the Town has the right to "issue temporary special use permits or licenses authorizing the commercial or non-commercial use of the Protected Property for

- recreational
- community entertainment
- educational
- agricultural
- forestry, or
- research purposes"

provided that the proposed use does not interfere with use of the conservation area by the general public and that the use is consistent with the purposes of the conservation easement.

Scheduling

HMCA maintains a calendar of events in the Conservation Area. All large group events, research projects, educational uses and other activities that involve groups or temporary/permanent equipment, whether a permit is required or not, must be shared well in advance with the HMCA scheduler to ensure that there are no unworkable overlaps in time or space.

Special Use Permit = Facility Use Agreement

1. The Town uses the term "Facility Use Agreement" (FUA) for permits to use town-owned land and facilities. In addition to the standard FUA application, a supplemental form specific to the

conservation area must also be submitted. It is available at the Town Office and on the hogbackvt.org website. A copy is attached as Appendix XXX.

2. An FUA is required for events with one or more of the following characteristics:
 - a. not co-sponsored by HMCA or the Southern Vermont Natural History Museum that are anticipated to include more than 20 participants;
 - b. with activities not normally permitted in the Conservation Area (see Section XX Prohibited Uses);
 - c. where a participant fee is required;
 - d. where alcohol (or marijuana) is available;
 - e. with activities where participants spend a significant amount of time off-trail;
 - f. lasting >3-4 hours or repeated several days (in which litter and human waste are likely to be problems);
 - g. in which motorized vehicles are used, e.g., ATVs, snowmobiles, electric bikes, etc.
 - h. requiring installation of equipment or construction of any structures.
3. The above list is not meant to be definitive. Other types of events may be proposed and permitted.

The Permitting Process

1. Inquiries about permits should be forwarded to HMCA. HMCA will appoint a Director to work with the permit-requestor to work out solutions to potential problems like trash, parking, heavy use, human waste, etc.
2. If the HMCA Director feels the activity can be conducted without negatively impacting the purposes of the Conservation Area, they can advise the requestor on how to fill out the form and describe the activity, and forward the application to HPC members for information purposes, with a recommendation that the permit be granted.
 - a. If any HPC member feels the permit should not be granted, they may call for a Special Meeting to discuss the proposal.
 - b. If no HPC member calls for a Special Meeting, the HPC Chair will forward the application to the Select Board with a recommendation that the permit be granted.
3. If the HMCA Director feels the activity should not be permitted, the applicant should be told they may apply anyway by submitting the application to the HPC Chair.
 - a. The HMCA Director shall inform the HPC Chair about the potential application, and why they feel it should not be granted.
 - b. The HPC Chair may call a Special Meeting to discuss the application, or may share the application with the HPC for information purposes, along with the HMCA recommendation that the permit not be granted. Any HPC member may ask for a Special Meeting to discuss the issue.
 - c. If no Special Meeting is called, or if a Special Meeting is called and the HPC agrees that the permit should not be granted, the applicant will be told that they may apply anyway, by submitting the application directly to the Select Board (through the Town Administrator). The HPC shall inform the Select Board that both HMCA and HPC feel the permit should not be granted.

- d. If a Special Meeting is held, and the HPC feels the permit should be granted, the application should be forwarded to the Select Board with both the HMCA recommendation against and the HPC recommendation for approval.

No Permit is Required

Organizations that fully understand the goals and purposes of the Conservation Area do not need a permit.

1. HMCA events do not need an FUA unless the event includes a Prohibited Use as listed in section XXX.
 - a. Events co-hosted by HMCA where HMCA is not the lead organization are still considered an HMCA event for the purposes of this section.
 - b. Marlboro School Hogback Day is considered a co-hosted event and doesn't need an FUA. If the school stops collaborating with HMCA and does the planning on their own, they would need to get an FUA.
2. Southern Vermont Natural History Museum (SVNHM) events do not need an FUA unless the event includes a Prohibited Use as listed in section XXX.
3. HPC, with input from HMCA, may decide to grant other organizations the right to host events without requiring an FUA, but those orgs must coordinate their scheduled events with HMCA.

Recreation Management

Uses

Free use by the public for non-motorized recreational activity is one of the primary purposes of the conservation easement. Use by groups, by researchers and educators, by commercial enterprises, and by others may require a permit. Additionally, any proposed use that is restricted or prohibited as listed below would need a permit. See Section XX of this plan for more information on permits.

Permitted Uses

Non-motorized, non-commercial recreational use by the public is allowed, including, but not limited to, hiking, trail running, snowshoeing, cross-country and backcountry skiing, mountain biking, horseback riding, and dog walking.

- Horseback riding – None of the trails are currently maintained for horseback riding.
- Dog walking – All town policies regarding dogs apply, including (but not limited to) “No dog shall run at large,” meaning dogs must be under the control of the owner at all times. Use of a leash is strongly encouraged. Dog waste must be picked up and removed from the Conservation Area. There are no trash cans provided for disposal of dog waste.

Hunting is allowed with certain restrictions. See section XX below for details.

Restricted Uses

- Snowmobile use: Snowmobiles may use designated VAST trails only.

- Horseback riding is not allowed on single-track trails.

Prohibited Uses

- overnight camping
- fires of any kind
- paint-ball or similar games
- target shooting, by firearm, bow and arrow, or other weapon
- use of metal detectors
- use of drones
- use of wildlife cameras or other unattended motion-activated cameras
- motorized vehicles – see more detail below

Note that it may be possible to be granted an exemption from these prohibitions for special events. Applying for a Facility Use Agreement is the method to use for seeking an exemption. See Section XXX on Special Use Permits.

Motorized vehicles are not allowed, including but not limited to:

- cars, trucks, and motorcycles
- ATV's, UTV's and other vehicles designed for off-road use
- dirt bikes (motorcycles designed for off-road use)
- e-bikes (electronic bikes)
 - Some e-bikes only give the user an assist, while others can fully power the bike, even uphill. Electronic engines are beginning to be used in other off-road vehicles such as dirt bikes. Trying to draw a line between these many different types of vehicles would be hard to define and impossible to enforce. It is within the spirit and the letter of the conservation easement to prohibit e-bikes of all kinds.

Exceptions: The following motorized vehicle use is allowed:

- emergency vehicles
- trail and building/structure maintenance vehicles
- trail grooming equipment
- snowmobiles – on designated VAST trails only
- National Grid maintenance vehicles
 - as authorized under the lease signed with the town to allow access to the communication tower on Mount Olga
 - on the Tower Trail only
 - for more detail, see Section XXX (in Trail Maintenance)
- forestry vehicles, for approved forest management projects

Uses not specifically addressed

If questions arise about uses not specified here, the HPC should make a judgement based on general principles laid out in the conservation easement.

Hunting, trapping, fishing

Hunting is allowed, with the following restrictions.

- All Vermont hunting and firearms regulations must be followed.
- Hunting is allowed only in the following areas, when at least 25 feet from a trail or road:
 - north of Route 9 and west of the VAST trail
 - south of Route 9 and east of the VAST trail
- No permanent tree stands or blinds may be erected.
- Hunting with dogs
 - Hunting with dogs that point and/or retrieve, such as bird hunting, is allowed.
 - Hunting with dogs that chase or pursue prey is not allowed.
- *Discussion needed about whether to tell hunters to ask for permission at the town office.*

Trapping is not allowed.

Fishing is allowed. Anglers must hold a valid Vermont fishing license and adhere to all Vermont fishing regulations.

Trail Management

See Section XXX on Recreation Management for permitted, restricted, and prohibited uses.

General Description

North of Route 9, a set of nested-loop single track recreation trails runs along the high ground from Old Hogback Road to the summit of Hogback Mountain in the northeast corner of the Conservation Area. A former logging road on the western flank of the mountain runs north-south and is now used as a recreation trail, primarily by VAST. This old road has also been designated a part of the “Wilmington Through Trail,” enabling hikers from the Lake Raponda area to connect with trails in Molly Stark State Park (both in Wilmington).

On the south side of Route 9, a network of trails and skiable routes exist within the former ski area. The Tower Trail is a former access road used for ski area maintenance, and is the primary hiking trail used by visitors to the Conservation Area to access the fire tower at the summit of Mount Olga in Molly Stark State Park. The town leases access to this road/hiking trail to the National Grid power company so that they can access their communication tower on Mount Olga. (See more information about this lease in Section XXX.)

Other areas of the Conservation Area do not have any recreation or other trails as of 2023.

Trail philosophy

1. The concentration of trails in specific areas is desirable, providing a way to meet the potentially conflicting purposes of the conservation easement: providing options for non-motorized recreation in some areas, and supporting wildlife and natural communities in others. Trails should not be allowed to proliferate so that they are uniformly spread throughout the Conservation Area. Significant portions of the property should remain essentially trail-less.

2. All trails in the Conservation Area are multi-use trails.
3. If a special interest group wishes to develop a dedicated use trail such as a bike trail or horseback-riding trail, which would ban use by other types of users, they may propose the trail to the HPC, explaining not only why limiting use by the general public is desirable, but also how they expect to enforce the limitation. HPC shall ask for analysis and input from the HMCA and the HMCA Trails Committee before making a decision.
4. VAST - The conservation easement does not allow the use of motor vehicles in the Conservation Area, with some exceptions. (See Sec XXX for details.) One such exception allows the Town to grant the Vermont Association of Snow Travelers (VAST) authorization to use a specific route through the Conservation Area as a snowmobile trail in the winter months. VAST normally posts their trails as being off limits to use by wheeled vehicles. In the Conservation Area, the VAST policy in this regard is overridden. Even though VAST has been granted authorization to use a specific trail, all other authorized types of use (e.g. skiing, snowshoeing, hiking, and mountain biking) may also occur on that trail, year round.

Trail Maintenance

1. HMCA - The HMCA is responsible for maintaining the recreation trails and skiable routes.
 - a. Trails may be temporarily closed to some or all uses for any reason, for example due to mud or due to a hazardous tree that needs removal.
 - b. Minor rerouting of existing trails by the HMCA Trails Committee is allowed without needing specific approval by the HMCA Board or the HPC.
 - c. Skiable routes
 - i. Having a former ski area as part of the Conservation Area creates a great addition to recreational opportunities. The slopes of Mount Olga (aka Hogback Ski Area) were ideal for skiing when the ski area was in operation. Those slopes are still great for skiing today, by backcountry skiers, who climb slopes or mountains under their own power without using a ski lift. Skiing down the mountain does not make use of “trails” in the narrow sense of hiking trails. It also does not require the creation of perfectly cleared, wide open slopes like those at commercial ski areas. But for safety’s sake, it is necessary to clear some of the young trees that have grown up on the abandoned ski slopes, and to clear things like face-slapping branches and blowdowns that could snare ski tips. These lightly opened areas can be considered skiable routes.
 - ii. All ski slopes, lift lines, access roads and other areas that had been cleared in the past as part of the former Hogback Ski Area may be maintained as skiable routes.
2. VAST - The local affiliate of VAST is responsible for maintaining the trail that has been authorized for use by VAST, including its bridges, culverts, and other water management structures. Plans for any maintenance work more extensive than yearly mowing and clearing of ditches should be shared with the HMCA and HPC prior to implementation.
3. National Grid - The National Grid (power company) leases a right of way on the Tower Trail from Route 9 to the town line just below the summit of Mt Olga to allow their serviced vehicles access to their communication tower in Molly Stark State Park. Prior to 2023, they were

responsible for maintaining that trail in a condition adequate for use by their vehicles. In 2023, the terms of the lease were changed, with National Grid paying an additional yearly amount intended to cover maintenance of the route, which is now to be managed by the Town. HPC will oversee this effort.

Trail Development

1. New trails may be created if they are endorsed by the HMCA Trails Committee and the HMCA Board of Directors, and approved by the HPC.
2. Ideally, new trails will be located within the existing envelope of trails, i.e. the former ski area terrain south of Route 9 and along the higher ground to the summit of Hogback Mountain north of Route 9.
3. If forest management demonstration projects or other educational opportunities are developed in areas of the Conservation Area where the intent is to limit recreation, it may be desirable to create either temporary or permanent trails so that the public can observe and learn from the project. If so, these trails should be limited to pedestrian (or snowshoe) traffic only.

Structures

Management of structures is discussed in Section XXX, Cultural History Management

(Question for reviewers – is this section too detailed?)

1. Buildings
 - a. Benedict Cottage – This small, one-story flat-roofed building with a walk-out basement is located on the north side of Route 9 just east of the town line. It was originally built as a vacation house. It has not been used in decades and is currently in poor condition. There is a small storage shed behind the house.
 - b. Major ski area buildings – None of these buildings have been used for anything other than shelter from the weather by hikers and others since the ski area went out of business in the mid-1980's.
 - i. First Aid building – This small one-story building with a walk-out basement garage is on the south side of Route 9, just inside the boundary between the commercial properties at the summit and the conservation area, on the west side of the mountain pass. It is in extremely poor condition, and is insulated with vermiculite, a naturally occurring mineral related to mica. About 70-80% of vermiculite insulation products used in this country between 1919-1990 came from a single mine in Montana that included a deposit of asbestos, which is a known carcinogen. (Citation: <https://www.buildingenergyvt.com/resources/vermiculite-what-you-need-to-know/>) Therefore, all vermiculite insulation is currently considered

contaminated unless it has been tested. (*Find out – has the vermiculite in the building been tested?*)

- ii. The Castle – This one-room building just above the top of the first T-bar lift (the shorter of the two parallel lifts) was used as the on-mountain Ski Patrol station. It is currently used as a hikers/skiers temporary shelter. (Overnight stays are not allowed.) The original glass windows are all gone. Sheets of acrylic have been used in recent years in the windows, but they are frequently vandalized and broken. There is no door, intentionally. The building is intended to be left open for use as a respite from the weather.
- iii. Quonset Hut – At the lowest point in the former ski area along the former Rim Run ski trail which is now part of the VAST snowmobile trail, the Quonset Hut contains one large room that originally served as a warming lodge for skiers, as well as men's and women's bathrooms and a kitchen in a shed-style attached room. There is no running water or electric service to the building at this time. The front of the building was badly damaged several decades ago under the windows, purportedly by a vehicle ramming the wall. Some of the toilets are still in place but are not functional. The main room is fairly clear of debris, although several dozen retractors from the T-bar lift system are stored there. The kitchen area has substantial debris littering the floor and shelves. The door is not locked, intentionally. Hikers, skiers and snowmobilers are able to enter the building to look around and get out of the weather.

c. Minor ski area buildings

- i. There are numerous small shacks still standing that related to the operation of the ski lifts.

d. Pump house

- i. There is a modern pump house on Conservation Area land, on the north side of Old Hogback Rd just east of the intersection with the VAST trail.
- ii. This well serves the commercial properties on Rte 9.
- iii. The commercial properties hold a deeded (*verify this*) right-of-way allowing them to freely use the well and well house and to access them for servicing and repairs.
- iv. *What about the spring on the south side of Route 9 west of the Great White Way? Is that on Conservation Area land or on Ed Metcalfe's land? Does it have a well house or is it open?*

2. Ski Lifts and other ski-area-related items

- a. Several of the lift towers for the T-bar lift that ran beside the Practice Slope have been removed, along with the cable, but the concrete foundation blocks remain. All the other lifts on the mountain that were in operation when the ski area closed are still intact, although the retractors and T-bars have been removed from the cables.
- b. The Practice Slope T-bar lift included a bridge that carried skiers over a mini-gorge. The foundation and steel stringers are still in good shape, but the wooden planks are

beginning to rot and some have fallen away. This bridge is not on any currently used recreation trail.

- c. There are numerous leftover bits and pieces of equipment related to the ski area, such as a large speaker and some rope-tow drums attached above head-height in the trees, a pile of Poma-lift pieces, even the carcass of an old car (maybe 1940's vintage).
- 3. Cellar holes, stone walls and other remnants of agricultural and forestry use
 - a. Bishop farm – south of Route 9
 - i. From the 1779 until just before the Civil War, multiple generations of the Bishop family built a homestead and farm consisting of most of the current Conservation Area acreage south of Route 9. A cellar hole and a complex web of stone walls mark the primary location of the farm, fronting Grant Road just east of the access road used by VAST and hikers/skiers. A set of wooden stairs was installed in the late 2010's to allow visitors to descend into the cellar hole without scrambling down (and possibly dislodging) the old stone walls. There is an open (*confirm this*) water well in the cellar hole. The wooden stairs were built over this well as a way to prevent people from accidentally stumbling into the hole.
 - ii. Another cellar hole exists about 800 feet uphill from the primary remains of the farm house, along the Bishop Trail. It is smaller than the Grant Road cellar hole, and in much less distinct condition. It is believed that this was the location of the first Bishop farmhouse, because it is just inside the boundary of the first 100-acre parcel bought by Sylvester Bishop in 1779.
 - b. Pease farm – north of Route 9
 - i. A cellar hole just north of Old Hogback Road east of the VAST trail and uphill from the modern pump house is believed to be the site of the former Pease farm. The history of this farm is not as well known as that of the Bishop farm. This site does not seem to have a dense network of stone walls and foundations similar to that at the Bishop site, although no systematic search has been made. The cellar hole is in a degraded condition, but is still clearly evident.
 - c. Barbed wire fences
 - i. Segments of barbed wire fencing have been found in the Conservation Area north of Route 9 but no comprehensive survey inventory exists.
 - ii. Barbed wire has not been found within the area of the former ski area, even though at least part of that acreage had presumably been pasture land for the Bishop farm. It is possible that all wire fencing was intentionally removed as a safety measure for the ski area.
 - d. *Are the remains of the dining car that are rotting just north of Old Hogback Road located on Cons Area land or private land? Is this wreck worth mentioning?*

Cultural History Management

Indigenous Cultures

No artifacts from indigenous cultures have been found in the Conservation Area. If any such artifacts are found, they should be left in place, protected if necessary. Contact the office of the Vermont State Archaeologist for advice.

Agricultural History

See Section XXX on Structures for a description of the cellar holes and stone walls that have been found at the sites of the two known farms that, from the late 18th through the early 20th centuries, made up a significant part of what is now the Conservation Area. If additional sites are identified, their location should be recorded.

No excavation, digging, metal detecting, or other hunting for artifacts is allowed at the former house and farm sites.

Vegetation may be removed to make the remnants, such as stone walls and foundations, more visible. Care should be taken to not disturb the placement of the stones.

Remnants of barbed wire found in or on trees should be left in place, marked with surveyors tape as a safety measure.

Ski Area History

Although the ski area went out of business in the mid-1980's, much of the supporting infrastructure still remains on site, providing visitors with a chance to see what ski lifts from the 1940-1980 era were like. The lift towers, particularly the summit towers with their bull wheels and counterweights, act as an open-air museum exhibit of the history of the ski industry. These remnants provide a hiking experience not found at other defunct ski areas that are now on public land where the lifts and other infrastructure have been removed. The material remains of the ski area should be left in place as long as they do not present a serious threat to the safety of visitors.

Benedict Cottage

This building has no known connection to a person of historical significance, no notable role in the economic history of the area, and no particular architectural significance, making it a very low priority for preservation as a cultural artifact. It is in poor condition, having had all the copper piping stolen, and other portions of the interior vandalized. The roof has leaked and been patched, but it is vulnerable to ongoing damage.

The conservation easement includes specific language relating to the Benedict Cottage, its utilities and its parking area, in section III.9. The building may be repaired, replaced, and even enlarged. It may be

used for any of the purposes of the easement (but not for prohibited uses, such as a commercial enterprise or housing). When the idea of demolishing the Cottage was raised in informal discussions with VLT in the mid-2010's, HMCA Directors were concerned that if the building were demolished and not immediately replaced, the right to replace it would be forfeited. At that time, Jennifer Garrett of VLT informally advised that such a right would not be forfeited.

Given that the building is not currently being used and no good use for it is foreseen in the immediate future, and that it is in poor condition and is attracting vandals and even campers, demolishing this building should be considered.

Scenic Resources Management

The mountain pass over Hogback has long been known for its “100-mile view.” It is the most dramatic outlook accessible by paved road in southern Vermont. The famous view is seen from the commercial property lining Route 9, not from Conservation Area land itself. However, scenic resources encompass more than just the 100-mile view.

The Tower Trail

The Tower Trail, a former ski-area maintenance road that is now the most heavily used hiking trail in the Conservation Area, crosses all of the major ski slopes in the former ski area. At each spot where the trail intersects the former ski slopes, there once were expansive views of the quintessential Vermont landscape. As the ski slopes started reverting to forest land after the ski area closed, these views began to be obscured. From 2013-2018, the ESH Project (Early Successional Habitat Project) reopened some sections of the ski slopes as part of a wildlife habitat improvement effort, which had the additional benefit of re-opening some of the views. The Biodiversity Inventory of 2018-2019 found that the ESH project was not particularly successful in attracting more diverse wildlife to the former ski area, so that project will not be repeated. However, efforts should be made to maintain the views.

North Side Trails

At several locations along the trails north of Route 9, there are tantalizing glimpses of both near and distant views, such as a view to the east of the Hamilton farm buildings and fields and a glimpse to the west of Mount Haystack. Most of these glimpses disappear in summer when the trees are fully leafed out. Where an appealing view or line of sight can be created by cutting only a small number of trees, it is acceptable to create the view, without the action needing to be part of an active forest management effort. This work should not create significant openings in the forest.

Forest Management Projects

The previous Management Plan called for minimizing the impact of any forest management activities on the aesthetic and scenic values of the Conservation Area through such practices as utilizing treetops to the lowest possible diameter and cutting multi-stem trunks close to the ground instead of leaving a tall stump. The previous plan stated, “Logging debris (i.e.slash) from downed wood is one of the biggest

detractors from the scenic beauty of a woodlot.” This approach prioritized scenic beauty over the health of the forest, regardless of where the cutting occurred.

Current forest management best practices for New England forests encourage leaving tops and substantial woody debris as beneficial for forest health. Tangles of treetops have been shown to reduce aggressive browsing of new growth by deer, improving regeneration. As the debris rots, it provides habitat for small mammals, amphibians, and insects, and contributes to soil formation. Tall stumps are similar to snags, i.e. a source of standing dead wood that is home to insects and various kinds of nests.

In almost all instances, details of forest management projects in the Conservation Area should be planned to optimize forest health, not human aesthetic values. If a management project occurs within view of the Tower Trail (currently the most heavily used hiking trail), planners should consider whether to take aesthetic considerations into the plan, or whether an educational sign should explain why unsightly conditions are acceptable. In other areas of the Conservation Area, forest health should always take priority.